

I certify that the attached is a true and correct copy of the document which was filed of record in the Chief Clerk's Office and referred to the committee on:

NATURAL RESOURCES

Cynthia Gerhardt

Chief Clerk of the House

FILED MAR 10 1995

By *Ran Jenkins*

4 B. No. 2890

1 A BILL TO BE ENTITLED

2 AN ACT

3
4 relating to changing certain dates in law related to the management
5 of the Edwards Aquifer.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8
9 SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd
10 Legislature, Regular Session, 1993, is amended to read as follows:

11 (10) "Existing user" means a person who has withdrawn
12 and beneficially used underground water from the aquifer on or
13 before June 1, 1995 [1993].

14 SECTION 2. Section 1.14(e), and (h), Chapter 626, Acts of the
15 73rd Legislature, Regular Session, 1993, are amended to read as
16 follows:

17 (e) The authority may not allow withdrawals from the aquifer
18 through wells drilled after June 1, 1995 [1993], except additional
19 water as provided by Subsection (d) and then on an interruptible

1 basis.

2 (h) To accomplish the purposes of this article, by June 1,
3 1996 [1994], the authority, through a program, shall implement and
4 enforce water management practices, procedures, and methods to
5 ensure that, not later than December 31, 2012, the continuous
6 minimum springflows of the Comal Springs and the San Marcos Springs
7 are maintained to protect endangered and threatened species to the
8 extent required by federal law. The authority from time to time as
9 appropriate may revise the practices, procedures, and methods. To
10 meet this requirement, the authority shall require:

11 (1) phased reductions in the amount of water that may be
12 used or withdrawn by existing users or categories of other users;
13 or

14 (2) implementation of alternative management practices,
15 procedures, and methods.

16 SECTION 3. Section 1.16(a) and (b), Chapter 626, Acts of the
17 73rd Legislature, Regular Session, 1993, are amended to read as
18 follows:

19 (a) An existing user may apply for an initial regular permit
20 by filing a declaration of historical use of underground water
21 withdrawn from the aquifer during the historical period from June
22 1, 1972, through May 31, 1995 [1993].

23 (b) An existing user's declaration of historical use must be
24 filed on or before March 1, 1996 [1994], on a form prescribed by
25 the board. An applicant for a permit must timely pay all

1 application fees required by the board. An owner of a well used
2 for irrigation must include additional documentation of the number
3 of acres irrigated during the historical period provided by
4 Subsection (a) of this section.

5 SECTION 4. Section 1.17(a) and (d), Chapter 626, Acts of the
6 73rd Legislature, Regular Session, 1993, is amended to read as
7 follows:

8 (a) A person who, on the effective date of this article, owns
9 a producing well that withdraws water from the aquifer may continue
10 to withdraw and beneficially use water without waste until final
11 action on permits by the authority, if:

12 (1) the well is in compliance with all statutes and
13 rules relating to well construction, approval, location, spacing,
14 and operation; and

15 (2) by March 1, 1996 [1994], the person files a
16 declaration of historical use on a form as required by the
17 authority.

18 (d) Interim authorization for a well under this section ends
19 on:

20 (1) entry of a final and appealable order by the
21 authority acting on the application for the well; or

22 (2) March 1, 1996 [1994], if the well owner has not
23 filed a declaration of historical use.

24 SECTION 5. Section 1.18(b), Chapter 626, Acts of the 73rd
25 Legislature, Regular Session, 1993, is amended to read as follows:

1 (b) The authority may not consider or take action on an
2 application relating to a proposed or existing well of which there
3 is no evidence of actual beneficial use before June 1, 1995 [1993],
4 until a final determination has been made on all initial regular
5 permit applications submitted on or before the initial application
6 date of March 1, 1996 [1994].

7 SECTION 6. Section 1.25(a), Chapter 626, Acts of the 73rd
8 Legislature, Regular Session, 1993, is amended to read as follows:

9 (a) Consistent with Section 1.14 of this article, the
10 authority shall develop, by September 1, 1997 [1995], and
11 implement a comprehensive water management plan that includes
12 conservation, future supply, and demand management plans. The
13 authority may not delegate the development of the plan under
14 Section 1.42 of this article.

15 SECTION 7. Section 1.26, Chapter 626, Acts of the 73rd
16 Legislature, Regular Session, 1993, is amended to read as follows:

17 SECTION 1.26. CRITICAL PERIOD MANAGEMENT PLAN. The authority
18 shall prepare and coordinate implementation of a plan for critical
19 period management on or before September 1, 1997 [1995]. The
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21 (1) distinguish between discretionary use and
22 nondiscretionary use;

23 (2) require reductions of all discretionary use to the
24 maximum extent feasible;

25 (3) require utility pricing, to the maximum extent

feasible, to limit discretionary use by the customers of water utilities; and

(4) require reduction of nondiscretionary use by permitted or contractual users, to the extent further reductions are necessary, in the reverse order of the following water use preferences:

(A) municipal, domestic, and livestock;

(B) industrial and crop irrigation;

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(E) other uses that are authorized by law.

SECTION 8. Section 1.30(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) A permit issued in accordance with this section is subordinate to permitted water rights for which applications were submitted before May 31, 1995 [1993], and vested riparian rights.

SECTION 9. Section 1.31(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The authority is responsible for the costs of purchasing, installing, and maintaining measuring devices, if required, for an irrigation well in existence on September 1, 1995 [1993].

SECTION 10. Section 1.41(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) On September 1, 1995 [1993], all unobligated and unexpended funds of the Edwards Underground Water District shall be

1 transferred to the authority.

2 SECTION 11. Section 3.04, Chapter 626, Acts of the 73rd
3 Legislature, Regular Session, 1993, is amended to read as follows:

4 SECTION 3.04. COOPERATION. All state and local governmental
5 entities are hereby directed to cooperate with the authority to the
6 maximum extent practicable so that the authority can best be able
7 to accomplish the purposes set forth under Article 1. The
8 authority shall, on or before January 1, 1997 [1995], submit a
9 report to the governor, lieutenant governor, and speaker of the
10 house of representatives evaluating the extent to which other
11 entities have cooperated with and assisted the authority.

12 SECTION 12. Notwithstanding the effective date provided by
13 Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular
14 Session, 1993, Section 1.35, of that Act takes effect March 1,
15 1996.

16 SECTION 13. The importance of this legislation and the crowded
17 condition of the calendars in both houses create an emergency and
18 an imperative public necessity that the constitutional rule
19 requiring bills to be read on three several days in each house be
20 suspended, and this rule is hereby suspended, and that this Act
21 take effect and be in force from and after its passage, and it is
22 so enacted.

**NOTICE OF INTRODUCTION OF
PRIVILEGED RESOLUTION**

Pursuant to House Rule 13, Section 9(f), the chair announces the introduction of HR 1200 suspending the limitations on the conferees for HB2890.

ADOPTED

MAY 27 1995

Cynthia Gerhardt
Chief Clerk
House of Representatives

CCR not turned in yet

Notice given

POINT OF ORDER SUSTAINED

HOUSE COMMITTEE REPORT

95 APR 25 AM 8:46
HOUSE OF REPRESENTATIVES

1st Printing

By Lewis of Orange

H.B. No. 2890

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3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended,
5 and that this Act take effect and be in force from and after its
6 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Pete Laney
Speaker of the House of Representatives

4/10/95
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred HB 2890 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors _____ / _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Counts, Ch.	X			
Yost, V.C.	X			
Combs	X			
Corte		X		
King		X		
Lewis, R.	X			
Puente	X			
Stiles				X
Walker	X			

Total 6 aye
2 nay
0 present, not voting
1 absent

David Buntz
CHAIRMAN

BILL ANALYSIS

Natural Resources Committee
H.B. 2890
By: R. Lewis
4-10-95
Committee Report (Unamended)

BACKGROUND

During the 73rd regular session, in 1993, the Texas Legislature passed S.B. 1477 which established the eight-county Edwards Aquifer Authority with powers to regulate aquifer pumping by issuing groundwater pumping permits. In November, 1993, the U.S. Justice Department issued a formal objection to S.B. 1477, stating that it violated the federal Voting Rights Act. Consequently, no provisions under this bill have been implemented to date.

PURPOSE

Due to the delay caused by the U.S. Justice Department's formal objection of S.B. 1477, several dates contained within the bill have expired and are no longer applicable. H.B.2890 represents an attempt to bring these dates current.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

Section 1. Amends Section 1.03(10), Chapter 626, Acts of the 73rd Legislature. The date referred to in the definition of "existing user" is changed to 1995.

Section 2. Amends Section 1.14(e), and (h), Chapter 626, Acts of the 73rd Legislature. The date referred to in (e) is changed to 1995. The date referred to in (h) to accomplish the purpose of this article is changed to 1996.

Section 3. Amends Section 1.16(a) and (b), Chapter 626, Acts of the 73rd Legislature. The date referred to in (a) is changed to 1995. The date referred to in (b) is changed to 1996.

Section 4. Amends Section 1.17(a) and (d), Chapter 626, Acts of the 73rd Legislature. The date referred to in (a)(2) is changed to 1996. The date referred to in (d)(2) is changed to 1996.

Section 5. Amends Section 1.18(b), Chapter 626, Acts of the 73rd Legislature. The date referred to in (b) concerning actual beneficial use is changed to 1995. The date concerning an initial application date is changed to 1996.

Section 6. Amends Section 1.25(a), Chapter 626, Acts of the 73rd Legislature. The date is changed to 1997.

Section 7. Amends Section 1.26, Chapter 626, Acts of the 73rd Legislature. The date is changed to 1997.

Section 8. Amends Section 1.30(d), Chapter 626, Acts of the 73rd Legislature. The date is changed to 1995.

Section 9. Amends Section 1.31(b), Chapter 626, Acts of the 73rd Legislature. The date is changed to 1995.

Section 10. Amends Section 1.41(d), Chapter 626, Acts of the 73rd Legislature. The date is changed to 1995.

Section 11. Amends Section 3.04, Chapter 626, Acts of the 73rd Legislature. The date is

changed to 1997.

Section 12. Effective date.

Section 13. Emergency clause.

SUMMARY OF COMMITTEE ACTION

H.B.2890 was considered by the committee in a public hearing on April 10, 1995.

The following persons testified in favor of the bill: None (0).

The following persons testified against the bill:

Ms. Carol Patterson, representing herself and constituents;

Mr. Tim Jones, representing himself;

Mr. Kirk Patterson, representing himself.

The following persons testified on the bill: None (0).

The bill was reported favorably without amendment, with the recommendation that it do pass and be printed, by a record vote of 6 ayes, 2 nays, 0 pnv, 1 absent.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 9, 1995

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: House Bill No. 2890
By: Lewis, Ron

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 2890 (Relating to changing certain dates in law related to the management of the Edwards Aquifer.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: Natural Resource Conservation Commission
LBB Staff: JK, JB, DF

LIST OF HOUSE AMENDMENTS CONSIDERED

HB2890.2 - Second Reading

AMENDMENT #	AUTHOR	DESCRIPTION	ACTION
1	Corte	Amendment	Adopted



003046

FLOOR AMENDMENT NO. 1BY Corte

Amend H.B. No. 2890 (House Committee Report) by adding a new section of the bill, appropriately numbered, to read as follows:

SECTION 2. Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.12. SUNSET COMMISSION REVIEW. (a) The board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that Act. The review shall be conducted as if the board were scheduled to be abolished September 1, 2005, except as provided by Subsection (b) of this section.

(b) If the Edwards Aquifer Legislative Oversight Committee finds that the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) is amended to the degree that the board's regulation of withdrawals from the aquifer as provided by this Act is not necessary for compliance with the federal Endangered Species Act, the committee shall initiate a review as if this Act was scheduled to expire on September 1 of the year following the year in which the amendment takes effect. Following that review, the committee shall make recommendations to the legislature regarding the repeal or amendment of this Act as necessary or prudent to manage the aquifer in compliance with federal requirements.

(c) Unless members of the board are continued in office after the review, under Subsection (a) of this section their membership expires September 1, 2005.

(d) (e) When the membership of the board of directors expires under Subsection (c) [(b)] of this section, a new board of directors shall be appointed as provided by this article, with each new member serving for the unexpired term of the member's predecessor. A member whose membership has expired under Subsection (b) is not eligible for reappointment under this subsection.

(c)

ADOPTED

MAY 9 1995

Cynthia Burkhardt
Chief Clerk
House of Representatives

✓
**2ND READING
ENGROSSMENT**

By Lewis of Orange

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5 purchasing, installing, and maintaining measuring devices, if
6 required, for an irrigation well in existence on September 1, 1995
7 [~~1993~~].

8 SECTION 11. Section 1.41(d), Chapter 626, Acts of the 73rd
9 Legislature, Regular Session, 1993, is amended to read as follows:

10 (d) On September 1, 1995 [~~1993~~], all unobligated and
11 unexpended funds of the Edwards Underground Water District shall be
12 transferred to the authority.

13 SECTION 12. Section 3.04, Chapter 626, Acts of the 73rd
14 Legislature, Regular Session, 1993, is amended to read as follows:

15 Sec. 3.04. COOPERATION. All state and local governmental
16 entities are hereby directed to cooperate with the authority to the
17 maximum extent practicable so that the authority can best be able
18 to accomplish the purposes set forth under Article 1. The
19 authority shall, on or before January 1, 1997 [~~1995~~], submit a
20 report to the governor, lieutenant governor, and speaker of the
21 house of representatives evaluating the extent to which other
22 entities have cooperated with and assisted the authority.

23 SECTION 13. Notwithstanding the effective date provided by
24 Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular
25 Session, 1993, Section 1.35 of that Act takes effect March 1, 1996.

26 SECTION 14. The importance of this legislation and the
27 crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force from and after its
5 passage, and it is so enacted.

HOUSE ENGROSSMENT

By Lewis of Orange

H.B. No. 2890

A BILL TO BE ENTITLED

AN ACT

relating to the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(10) "Existing user" means a person who has withdrawn and beneficially used underground water from the aquifer on or before June 1, 1995 [~~1993~~].

SECTION 2. Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.12. SUNSET COMMISSION REVIEW. (a) The board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that Act. The review shall be conducted as if the board were scheduled to be abolished September 1, 2005, except as provided by Subsection (b) of this section.

(b) If the Edwards Aquifer Legislative Oversight Committee finds that the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) is amended to the degree that the board's regulation of withdrawals from the aquifer as provided by this Act is not necessary for compliance with the federal Endangered Species Act, the committee shall initiate a review as if this Act were scheduled to expire on September 1 of the year following the year in which the amendment takes effect. Following that review, the committee shall make recommendations to the legislature regarding

1 the repeal or amendment of this Act as necessary or prudent to
2 manage the aquifer in compliance with federal requirements.

3 (c) Unless members of the board are continued in office
4 after the review under Subsection (a) of this section, their
5 membership expires September 1, 2005.

6 (d) [~~+~~~~e~~] When the membership of the board of directors
7 expires under Subsection (c) [~~+~~~~b~~] of this section, a new board of
8 directors shall be appointed as provided by this article, with each
9 new member serving for the unexpired term of the member's
10 predecessor. A member whose membership has expired under
11 Subsection (c) [~~+~~~~b~~] is not eligible for reappointment under this
12 subsection.

13 SECTION 3. Sections 1.14(e) and (h), Chapter 626, Acts of
14 the 73rd Legislature, Regular Session, 1993, are amended to read as
15 follows:

16 (e) The authority may not allow withdrawals from the aquifer
17 through wells drilled after June 1, 1995 [~~+~~~~993~~], except additional
18 water as provided by Subsection (d) and then on an interruptible
19 basis.

20 (h) To accomplish the purposes of this article, by June 1,
21 1996 [~~+~~~~994~~], the authority, through a program, shall implement and
22 enforce water management practices, procedures, and methods to
23 ensure that, not later than December 31, 2012, the continuous
24 minimum springflows of the Comal Springs and the San Marcos Springs
25 are maintained to protect endangered and threatened species to the
26 extent required by federal law. The authority from time to time as
27 appropriate may revise the practices, procedures, and methods. To

1 meet this requirement, the authority shall require:

2 (1) phased reductions in the amount of water that may
3 be used or withdrawn by existing users or categories of other
4 users; or

5 (2) implementation of alternative management
6 practices, procedures, and methods.

7 SECTION 4. Sections 1.16(a) and (b), Chapter 626, Acts of
8 the 73rd Legislature, Regular Session, 1993, are amended to read as
9 follows:

10 (a) An existing user may apply for an initial regular permit
11 by filing a declaration of historical use of underground water
12 withdrawn from the aquifer during the historical period from June
13 1, 1972, through May 31, 1995 [~~1993~~].

14 (b) An existing user's declaration of historical use must be
15 filed on or before March 1, 1996 [~~1994~~], on a form prescribed by
16 the board. An applicant for a permit must timely pay all
17 application fees required by the board. An owner of a well used
18 for irrigation must include additional documentation of the number
19 of acres irrigated during the historical period provided by
20 Subsection (a) of this section.

21 SECTION 5. Sections 1.17(a) and (d), Chapter 626, Acts of
22 the 73rd Legislature, Regular Session, 1993, are amended to read as
23 follows:

24 (a) A person who, on the effective date of this article,
25 owns a producing well that withdraws water from the aquifer may
26 continue to withdraw and beneficially use water without waste until
27 final action on permits by the authority, if:

1 (1) the well is in compliance with all statutes and
2 rules relating to well construction, approval, location, spacing,
3 and operation; and

4 (2) by March 1, 1996 [~~1994~~], the person files a
5 declaration of historical use on a form as required by the
6 authority.

7 (d) Interim authorization for a well under this section ends
8 on:

9 (1) entry of a final and appealable order by the
10 authority acting on the application for the well; or

11 (2) March 1, 1996 [~~1994~~], if the well owner has not
12 filed a declaration of historical use.

13 SECTION 6. Section 1.18(b), Chapter 626, Acts of the 73rd
14 Legislature, Regular Session, 1993, is amended to read as follows:

15 (b) The authority may not consider or take action on an
16 application relating to a proposed or existing well of which there
17 is no evidence of actual beneficial use before June 1, 1995 [~~1993~~],
18 until a final determination has been made on all initial regular
19 permit applications submitted on or before the initial application
20 date of March 1, 1996 [~~1994~~].

21 SECTION 7. Section 1.25(a), Chapter 626, Acts of the 73rd
22 Legislature, Regular Session, 1993, is amended to read as follows:

23 (a) Consistent with Section 1.14 of this article, the
24 authority shall develop, by September 1, 1997 [~~1995~~], and
25 implement a comprehensive water management plan that includes
26 conservation, future supply, and demand management plans. The
27 authority may not delegate the development of the plan under

1 Section 1.42 of this article.

2 SECTION 8. Section 1.26, Chapter 626, Acts of the 73rd
3 Legislature, Regular Session, 1993, is amended to read as follows:

4 Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. The authority
5 shall prepare and coordinate implementation of a plan for critical
6 period management on or before September 1, 1997 [~~1995~~]. The
7 mechanisms must:

8 (1) distinguish between discretionary use and
9 nondiscretionary use;

10 (2) require reductions of all discretionary use to the
11 maximum extent feasible;

12 (3) require utility pricing, to the maximum extent
13 feasible, to limit discretionary use by the customers of water
14 utilities; and

15 (4) require reduction of nondiscretionary use by
16 permitted or contractual users, to the extent further reductions
17 are necessary, in the reverse order of the following water use
18 preferences:

19 (A) municipal, domestic, and livestock;

20 (B) industrial and crop irrigation;

21 (C) residential landscape irrigation;

22 (D) recreational and pleasure; and

23 (E) other uses that are authorized by law.

24 SECTION 9. Section 1.30(d), Chapter 626, Acts of the 73rd
25 Legislature, Regular Session, 1993, is amended to read as follows:

26 (d) A permit issued in accordance with this section is
27 subordinate to permitted water rights for which applications were

1 submitted before May 31, 1995 [~~1993~~], and vested riparian rights.

2 SECTION 10. Section 1.31(b), Chapter 626, Acts of the 73rd
3 Legislature, Regular Session, 1993, is amended to read as follows:

4 (b) The authority is responsible for the costs of
5 purchasing, installing, and maintaining measuring devices, if
6 required, for an irrigation well in existence on September 1, 1995
7 [~~1993~~].

8 SECTION 11. Section 1.41(d), Chapter 626, Acts of the 73rd
9 Legislature, Regular Session, 1993, is amended to read as follows:

10 (d) On September 1, 1995 [~~1993~~], all unobligated and
11 unexpended funds of the Edwards Underground Water District shall be
12 transferred to the authority.

13 SECTION 12. Section 3.04, Chapter 626, Acts of the 73rd
14 Legislature, Regular Session, 1993, is amended to read as follows:

15 Sec. 3.04. COOPERATION. All state and local governmental
16 entities are hereby directed to cooperate with the authority to the
17 maximum extent practicable so that the authority can best be able
18 to accomplish the purposes set forth under Article 1. The
19 authority shall, on or before January 1, 1997 [~~1995~~], submit a
20 report to the governor, lieutenant governor, and speaker of the
21 house of representatives evaluating the extent to which other
22 entities have cooperated with and assisted the authority.

23 SECTION 13. Notwithstanding the effective date provided by
24 Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular
25 Session, 1993, Section 1.35 of that Act takes effect March 1, 1996.

26 SECTION 14. The importance of this legislation and the
27 crowded condition of the calendars in both houses create an

H.B. No. 2890

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force from and after its
5 passage, and it is so enacted.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 9, 1995

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: House Bill No. 2890
By: Lewis, Ron

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 2890 (Relating to changing certain dates in law related to the management of the Edwards Aquifer.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: Natural Resource Conservation Commission
LBB Staff: JK, JB, DF

By: Lewis of Orange (Senate Sponsor - Armbrister) H.B. No. 2890
(In the Senate - Received from the House May 11, 1995;
May 12, 1995, read first time and referred to Committee on Natural
Resources; May 19, 1995, reported favorably, as amended, by the
following vote: Yeas 7, Nays 0; May 19, 1995, sent to printer.)

COMMITTEE AMENDMENT NO. 1

By: Armbrister

Amend H.B. No. 2890 (House Engrossment) as follows:

(1) Strike Section 2 of the bill (page 1, line 9 through
page 2, line 12) and renumber subsequent Sections of the bill
appropriately.

(2) In Section 4 of the bill, in the first sentence of
Section 1.16(b) (page 3, line 15), strike "1996" and substitute
"1997".

(3) In Section 5 of the bill, Section 1.17(a)(2) (page 4,
line 4, strike "1996" and substitute "1997".

(4) In Section 5 of the bill, Section 1.17(d)(2) (page 4,
line 11), strike "1996" and substitute "1997".

(5) In Section 6 of the bill, Section 1.18(b) (page 4, line
20), strike "1996" and substitute "1997".

(6) In Section 7 of the bill, Section 1.25(a) (page 4, line
24), strike "1997" and substitute "1998".

(7) In Section 10 of the bill, Section 1.31(b) (page 6,
lines 6 and 7), strike "September 1, 1995 [+993]" and substitute
"June 1, 1995 [September-17-+993]".

(8) In Section 12 of the bill, Section 3.04 (page 6, line
19), strike "1997" and substitute "1998".

A BILL TO BE ENTITLED
AN ACT

relating to the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd
Legislature, Regular Session, 1993, is amended to read as follows:

(10) "Existing user" means a person who has withdrawn
and beneficially used underground water from the aquifer on or
before June 1, 1995 [+993].

SECTION 2. Section 1.12, Chapter 626, Acts of the 73rd
Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.12. SUNSET COMMISSION REVIEW. (a) The board is
subject to review under Chapter 325, Government Code (Texas Sunset
Act), but may not be abolished under that Act. The review shall be
conducted as if the board were scheduled to be abolished September
1, 2005, except as provided by Subsection (b) of this section.

(b) If the Edwards Aquifer Legislative Oversight Committee
finds that the federal Endangered Species Act of 1973 (16 U.S.C.
Section 1531 et seq.) is amended to the degree that the board's
regulation of withdrawals from the aquifer as provided by this Act
is not necessary for compliance with the federal Endangered Species
Act, the committee shall initiate a review as if this Act were
scheduled to expire on September 1 of the year following the year
in which the amendment takes effect. Following that review, the
committee shall make recommendations to the legislature regarding
the repeal or amendment of this Act as necessary or prudent to
manage the aquifer in compliance with federal requirements.

(c) Unless members of the board are continued in office
after the review under Subsection (a) of this section, their
membership expires September 1, 2005.

(d) [+c] When the membership of the board of directors
expires under Subsection (c) [+b] of this section, a new board of
directors shall be appointed as provided by this article, with each
new member serving for the unexpired term of the member's
predecessor. A member whose membership has expired under
Subsection (c) [+b] is not eligible for reappointment under this
subsection.

SECTION 3. Sections 1.14(e) and (h), Chapter 626, Acts of
the 73rd Legislature, Regular Session, 1993, are amended to read as
follows:

(e) The authority may not allow withdrawals from the aquifer

1 through wells drilled after June 1, 1995 [+1993], except additional
 2 water as provided by Subsection (d) and then on an interruptible
 3 basis.

4 (h) To accomplish the purposes of this article, by June 1,
 5 1996 [+1994], the authority, through a program, shall implement and
 6 enforce water management practices, procedures, and methods to
 7 ensure that, not later than December 31, 2012, the continuous
 8 minimum springflows of the Comal Springs and the San Marcos Springs
 9 are maintained to protect endangered and threatened species to the
 10 extent required by federal law. The authority from time to time as
 11 appropriate may revise the practices, procedures, and methods. To
 12 meet this requirement, the authority shall require:

13 (1) phased reductions in the amount of water that may
 14 be used or withdrawn by existing users or categories of other
 15 users; or

16 (2) implementation of alternative management
 17 practices, procedures, and methods.

18 SECTION 4. Sections 1.16(a) and (b), Chapter 626, Acts of
 19 the 73rd Legislature, Regular Session, 1993, are amended to read as
 20 follows:

21 (a) An existing user may apply for an initial regular permit
 22 by filing a declaration of historical use of underground water
 23 withdrawn from the aquifer during the historical period from June
 24 1, 1972, through May 31, 1995 [+1993].

25 (b) An existing user's declaration of historical use must be
 26 filed on or before March 1, 1996 [+1994], on a form prescribed by
 27 the board. An applicant for a permit must timely pay all
 28 application fees required by the board. An owner of a well used
 29 for irrigation must include additional documentation of the number
 30 of acres irrigated during the historical period provided by
 31 Subsection (a) of this section.

32 SECTION 5. Sections 1.17(a) and (d), Chapter 626, Acts of
 33 the 73rd Legislature, Regular Session, 1993, are amended to read as
 34 follows:

35 (a) A person who, on the effective date of this article,
 36 owns a producing well that withdraws water from the aquifer may
 37 continue to withdraw and beneficially use water without waste until
 38 final action on permits by the authority, if:

39 (1) the well is in compliance with all statutes and
 40 rules relating to well construction, approval, location, spacing,
 41 and operation; and

42 (2) by March 1, 1996 [+1994], the person files a
 43 declaration of historical use on a form as required by the
 44 authority.

45 (d) Interim authorization for a well under this section ends
 46 on:

47 (1) entry of a final and appealable order by the
 48 authority acting on the application for the well; or

49 (2) March 1, 1996 [+1994], if the well owner has not
 50 filed a declaration of historical use.

51 SECTION 6. Section 1.18(b), Chapter 626, Acts of the 73rd
 52 Legislature, Regular Session, 1993, is amended to read as follows:

53 (b) The authority may not consider or take action on an
 54 application relating to a proposed or existing well of which there
 55 is no evidence of actual beneficial use before June 1, 1995 [+1993],
 56 until a final determination has been made on all initial regular
 57 permit applications submitted on or before the initial application
 58 date of March 1, 1996 [+1994].

59 SECTION 7. Section 1.25(a), Chapter 626, Acts of the 73rd
 60 Legislature, Regular Session, 1993, is amended to read as follows:

61 (a) Consistent with Section 1.14 of this article, the
 62 authority shall develop, by September 1, 1997 [+1995], and
 63 implement a comprehensive water management plan that includes
 64 conservation, future supply, and demand management plans. The
 65 authority may not delegate the development of the plan under
 66 Section 1.42 of this article.

67 SECTION 8. Section 1.26, Chapter 626, Acts of the 73rd
 68 Legislature, Regular Session, 1993, is amended to read as follows:

69 Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. The authority
 70 shall prepare and coordinate implementation of a plan for critical

period management on or before September 1, 1997 [~~1995~~]. The mechanisms must:

(1) distinguish between discretionary use and nondiscretionary use;

(2) require reductions of all discretionary use to the maximum extent feasible;

(3) require utility pricing, to the maximum extent feasible, to limit discretionary use by the customers of water utilities; and

(4) require reduction of nondiscretionary use by permitted or contractual users, to the extent further reductions are necessary, in the reverse order of the following water use preferences:

(A) municipal, domestic, and livestock;

(B) industrial and crop irrigation;

(C) residential landscape irrigation;

(D) recreational and pleasure; and

(E) other uses that are authorized by law.

SECTION 9. Section 1.30(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) A permit issued in accordance with this section is subordinate to permitted water rights for which applications were submitted before May 31, 1995 [~~1993~~], and vested riparian rights.

SECTION 10. Section 1.31(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(b) The authority is responsible for the costs of purchasing, installing, and maintaining measuring devices, if required, for an irrigation well in existence on September 1, 1995 [~~1993~~].

SECTION 11. Section 1.41(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) On September 1, 1995 [~~1993~~], all unobligated and unexpended funds of the Edwards Underground Water District shall be transferred to the authority.

SECTION 12. Section 3.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 3.04. COOPERATION. All state and local governmental entities are hereby directed to cooperate with the authority to the maximum extent practicable so that the authority can best be able to accomplish the purposes set forth under Article 1. The authority shall, on or before January 1, 1997 [~~1995~~], submit a report to the governor, lieutenant governor, and speaker of the house of representatives evaluating the extent to which other entities have cooperated with and assisted the authority.

SECTION 13. Notwithstanding the effective date provided by Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, Section 1.35 of that Act takes effect March 1, 1996.

SECTION 14. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

* * * * *

FAVORABLY AS AMENDED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 2890
By ARMSTRONG
(Author/Senate Sponsor)
5/19/95
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 5/18/95, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass with 1 amendments, and be printed
☐ do pass with _____ amendments, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Sims, Chairman			<input checked="" type="checkbox"/>	
Truan, Vice-Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Barrientos			<input checked="" type="checkbox"/>	
Bivins	<input checked="" type="checkbox"/>			
Brown, <u>ACTING CHAIR</u>	<input checked="" type="checkbox"/>			
Haywood	<input checked="" type="checkbox"/>			
Lucio			<input checked="" type="checkbox"/>	
Montford	<input checked="" type="checkbox"/>			
Nixon	<input checked="" type="checkbox"/>			
Ratliff			<input checked="" type="checkbox"/>	
TOTAL VOTES	<u>7</u>		<u>4</u>	

COMMITTEE ACTION

S260 Considered in public hearing

S270 Testimony taken

Carol K. U'Neal
COMMITTEE CLERK

Phawn
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with THREE signed copies of each committee amendment adopted
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.B. 2890
By: Lewis, R. (Armbrister)
Natural Resources
05-17-95
Engrossed

BACKGROUND

In 1993, the Texas Legislature passed S.B. 1477 establishing the Edwards Aquifer Authority to regulate aquifer pumping by issuing groundwater pumping permits. In November 1993, the U.S. Justice Department issued a formal objection to S.B. 1477, stating that the bill violated the federal Voting Rights Act; consequently, no provisions under this bill have been implemented to date. Due to the delay caused by the Department of Justice's formal objection to S.B. 1477, some dates within the bill have expired and are no longer applicable.

PURPOSE

As proposed, H.B. 2890 makes current the dates of Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, relating to the Edwards Aquifer Authority.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.03(10), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to redefine "existing user."

SECTION 2. Amends Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(a) Requires the sunset commission review under this subsection to be conducted as if the board of directors of the Edwards Aquifer Authority (board) were scheduled to be abolished September 1, 2005, except as provided by Subsection (b) of this section.

(b) Requires the Edwards Aquifer Legislative Oversight Committee (committee), if it finds that the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) is amended to the degree that the board's regulation of withdrawals from the aquifer as provided by this Act is not necessary for compliance with the federal Endangered Species Act, to initiate a review as if this Act were scheduled to expire on September 1 of the year following the year in which the amendment takes effect. Requires the committee to make recommendations to the legislature regarding the repeal or amendment of this Act as necessary or prudent to manage the aquifer in compliance with federal requirements.

(c) Makes a conforming change.

(d) Redesignates existing Subsection (c). Makes a conforming change.

SECTION 3. Amends Sections 1.14(e) and (h), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(e) Prohibits the Edwards Aquifer Authority (authority) from allowing withdrawals from the aquifer through wells drilled after June 1, 1995, rather than 1993.

(h) Requires the authority, by June 1, 1996, rather than 1994, to implement and enforce certain water management practices, procedures, and methods.

SECTION 4. Amends Sections 1.16(a) and (b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(a) Authorizes an existing user to apply for an initial regular permit by filing a declaration of historical use of underground water withdrawn from the aquifer during the historical period from June 1, 1972, through May 31, 1995, rather than 1993.

(b) Requires an existing user's declaration of historical use to be filed on or before March 1, 1996, rather than 1994.

SECTION 5. Amends Sections 1.17(a) and (d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(a) Authorizes a person who, on the effective date of this article, owns a producing well that withdraws water from the aquifer to continue to withdraw and beneficially use water without waste until final action on permits by the authority, if, among other conditions, the person files a declaration of historical use by March 1, 1996, rather than 1994.

(d) Provides that interim authorization for a well under this section ends on March 1, 1996, rather than 1994, if the well owner has not filed a declaration of historical use.

SECTION 6. Amends Section 1.18(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit the authority from considering or taking an action on an application relating to a proposed or existing well of which there is no evidence of actual beneficial use before June 1, 1995, rather than 1993, until a final determination has been made on all initial regular permit applications submitted on or before the initial application date of March 1, 1996, rather than 1994.

SECTION 7. Amends Section 1.25(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require the authority to develop, by September 1, 1997, rather than 1995, and implement a comprehensive water management plan.

SECTION 8. Amends Section 1.26, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require the authority to prepare and coordinate implementation of a plan for critical period management on or before September 1, 1997, rather than 1995.

SECTION 9. Amends Section 1.30(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that a permit issued in accordance with this section is subordinate to permitted water rights for which applications were submitted before May 31, 1995, rather than 1993.

SECTION 10. Amends Section 1.31(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to make the authority responsible for certain costs related to an irrigation well in existence on September 1, 1995, rather than 1993.

SECTION 11. Amends Section 1.41(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require all unobligated and unexpended funds of the Edwards Underground Water District to be transferred to the authority on September 1, 1995, rather than 1993.

SECTION 12. Amends Section 3.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require the authority, on or before January 1, 1997, rather than 1995, to submit a report to certain persons evaluating the extent to which other entities have cooperated with and assisted the authority.

SECTION 13. Effective date of Section 1.35, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993: March 1, 1996.

SECTION 14. Emergency clause.
Effective date: upon passage.

BILL ANALYSIS

Senate Research Center

H.B. 2890
By: Lewis, R. (Armbrister)
Natural Resources
05-19-95
Senate Committee Report (Amended)

BACKGROUND

In 1993, the Texas Legislature passed S.B. 1477 establishing the Edwards Aquifer Authority to regulate aquifer pumping by issuing groundwater pumping permits. In November 1993, the U.S. Justice Department issued a formal objection to S.B. 1477, stating that the bill violated the federal Voting Rights Act; consequently, no provisions under this bill have been implemented to date. Due to the delay caused by the Department of Justice's formal objection to S.B. 1477, some dates within the bill have expired and are no longer applicable.

PURPOSE

As proposed, H.B. 2890 makes current the dates of Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, relating to the Edwards Aquifer Authority.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1.03(10), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to redefine "existing user."

SECTION 2. Amends Sections 1.14(e) and (h), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(e) Prohibits the Edwards Aquifer Authority (authority) from allowing withdrawals from the aquifer through wells drilled after June 1, 1995, rather than 1993.

(h) Requires the authority, by June 1, 1996, rather than 1994, to implement and enforce certain water management practices, procedures, and methods.

SECTION 3. Amends Sections 1.16(a) and (b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(a) Authorizes an existing user to apply for an initial regular permit by filing a declaration of historical use of underground water withdrawn from the aquifer during the historical period from June 1, 1972, through May 31, 1995, rather than 1993.

(b) Requires an existing user's declaration of historical use to be filed on or before March 1, 1997, rather than 1994.

SECTION 4. Amends Sections 1.17(a) and (d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(a) Authorizes a person who, on the effective date of this article, owns a producing well that withdraws water from the aquifer to continue to withdraw and beneficially use water without waste until final action on permits by the authority, if, among other conditions, the person files a declaration of historical use by March 1, 1997, rather than 1994.

(d) Provides that interim authorization for a well under this section ends on March 1,

1997, rather than 1994, if the well owner has not filed a declaration of historical use.

SECTION 5. Amends Section 1.18(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to prohibit the authority from considering or taking an action on an application relating to a proposed or existing well of which there is no evidence of actual beneficial use before June 1, 1995, rather than 1993, until a final determination has been made on all initial regular permit applications submitted on or before the initial application date of March 1, 1997, rather than 1994.

SECTION 6. Amends Section 1.25(a), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require the authority to develop, by September 1, 1998, rather than 1995, and implement a comprehensive water management plan.

SECTION 7. Amends Section 1.26, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require the authority to prepare and coordinate implementation of a plan for critical period management on or before September 1, 1997, rather than 1995.

SECTION 8. Amends Section 1.30(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to provide that a permit issued in accordance with this section is subordinate to permitted water rights for which applications were submitted before May 31, 1995, rather than 1993.

SECTION 9. Amends Section 1.31(b), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to make the authority responsible for certain costs related to an irrigation well in existence on June 1, 1995, rather than September 1, 1993.

SECTION 10. Amends Section 1.41(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require all unobligated and unexpended funds of the Edwards Underground Water District to be transferred to the authority on September 1, 1995, rather than 1993.

SECTION 11. Amends Section 3.04, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, to require the authority, on or before January 1, 1998, rather than 1995, to submit a report to certain persons evaluating the extent to which other entities have cooperated with and assisted the authority.

SECTION 12. Effective date of Section 1.35, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993: March 1, 1996.

SECTION 13. Emergency clause.
Effective date: upon passage.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

May 17, 1995

TO: Honorable Bill Sims, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: House Bill No. 2890,
as engrossed
By: Lewis, Ron

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 2890 (Relating to the management of the Edwards Aquifer.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, CT, DF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 9, 1995

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: House Bill No. 2890
By: Lewis, Ron

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 2890 (Relating to changing certain dates in law related to the management of the Edwards Aquifer.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: Natural Resource Conservation Commission
LBB Staff: JK, JB, DF

MSG FROM: S7580A5 --TXLCNJE TO: S0400F4 --TXLCNJE

05/19/95 08:36:36

NOTE

Subject: HB 2890 (BILL NO.) WITNESS - NATURAL RESOURCES
Revised: _____
74th Legislature

COMMITTEE: Natural Resources
BILL: HB 2890 _____

DATE: 05 18 95

	FOR	AGAINST	ON
Name: CLIFFORD MERTON			
Representing: SAN ANTONIO WATER SYSTEMS			
City: SAN ANTONIO	X	-	-
Name: BILLY MOORE			
Representing: CITY OF SAN MARCOS			
City: SAN MARCOS	X	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
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Name: _____			
Representing: _____			
City: _____	-	-	-
Name: _____			
Representing: _____			
City: _____	-	-	-

PART ____ OF ____

<<<<===== END OF FORM =====>>>>

ADOPTED

MAY 22 1995

COMMITTEE AMENDMENT NO. 1

John Smith
Secretary of the Board

Amend H.B. No. 2890 (House Engrossment) as follows:

(1) Strike Section 2 of the bill (page 1, line 9 through page 2, line 12) and renumber subsequent Sections of the bill appropriately.

(2) In Section 4 of the bill, in the first sentence of Section 1.16(b) (page 3, line 15), strike "1996" and substitute "1997".

(3) In Section 5 of the bill, Section 1.17(a)(2) (page 4, line 4), strike "1996" and substitute "1997".

(4) In Section 5 of the bill, Section 1.17(d)(2) (page 4, line 11), strike "1996" and substitute "1997".

(5) In Section 6 of the bill, Section 1.18(b) (page 4, line 20), strike "1996" and substitute "1997".

(6) In Section 7 of the bill, Section 1.25(a) (page 4, line 24), strike "1997" and substitute "1998".

(7) In Section 10 of the bill, Section 1.31(b) (page 6, lines 6 and 7), strike "September 1, 1995 [~~1993~~]" and substitute "June 1, 1995 [~~September 1, 1993~~]".

(8) In Section 12 of the bill, Section 3.04 (page 6, line 19), strike "1997" and substitute "1998".

FLOOR AMENDMENT NO. 1

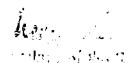
BY: 

Amend H.B. No. 2890, as follows:

In Section 8 of the bill, Section 1.26, (page 3, line 1, strike "September 1, 1997" and substitute "March 1, 1996".

1000000000

MAY 22 1996



SENATE AMENDMENTS

95 MAY 22 PM 6:57
HOUSE OF REPRESENTATIVES

2nd Printing

By Lewis of Orange

H.B. No. 2890

A BILL TO BE ENTITLED

AN ACT

relating to the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(10) "Existing user" means a person who has withdrawn and beneficially used underground water from the aquifer on or before June 1, 1995 [~~1993~~].

SECTION 2. Section 1.12, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.12. SUNSET COMMISSION REVIEW. (a) The board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that Act. The review shall be conducted as if the board were scheduled to be abolished September 1, 2005, except as provided by Subsection (b) of this section.

(b) If the Edwards Aquifer Legislative Oversight Committee finds that the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.) is amended to the degree that the board's regulation of withdrawals from the aquifer as provided by this Act is not necessary for compliance with the federal Endangered Species Act, the committee shall initiate a review as if this Act were scheduled to expire on September 1 of the year following the year in which the amendment takes effect. Following that review, the committee shall make recommendations to the legislature regarding

1 the repeal or amendment of this Act as necessary or prudent to
2 manage the aquifer in compliance with federal requirements.

3 (c) Unless members of the board are continued in office
4 after the review under Subsection (a) of this section, their
5 membership expires September 1, 2005.

6 (d) [~~+~~e~~+~~] When the membership of the board of directors
7 expires under Subsection (c) [~~+~~b~~+~~] of this section, a new board of
8 directors shall be appointed as provided by this article, with each
9 new member serving for the unexpired term of the member's
10 predecessor. A member whose membership has expired under
11 Subsection (c) [~~+~~b~~+~~] is not eligible for reappointment under this
12 subsection.

13 SECTION 3. Sections 1.14(e) and (h), Chapter 626, Acts of
14 the 73rd Legislature, Regular Session, 1993, are amended to read as
15 follows:

16 (e) The authority may not allow withdrawals from the aquifer
17 through wells drilled after June 1, 1995 [~~+~~993], except additional
18 water as provided by Subsection (d) and then on an interruptible
19 basis.

20 (h) To accomplish the purposes of this article, by June 1,
21 1996 [~~+~~994], the authority, through a program, shall implement and
22 enforce water management practices, procedures, and methods to
23 ensure that, not later than December 31, 2012, the continuous
24 minimum springflows of the Comal Springs and the San Marcos Springs
25 are maintained to protect endangered and threatened species to the
26 extent required by federal law. The authority from time to time as
27 appropriate may revise the practices, procedures, and methods. To

1 meet this requirement, the authority shall require:

2 (1) phased reductions in the amount of water that may
3 be used or withdrawn by existing users or categories of other
4 users; or

5 (2) implementation of alternative management
6 practices, procedures, and methods.

7 SECTION 4. Sections 1.16(a) and (b), Chapter 626, Acts of
8 the 73rd Legislature, Regular Session, 1993, are amended to read as
9 follows:

10 (a) An existing user may apply for an initial regular permit
11 by filing a declaration of historical use of underground water
12 withdrawn from the aquifer during the historical period from June
13 1, 1972, through May 31, 1995 [~~1993~~].

14 (b) An existing user's declaration of historical use must be
15 filed on or before March 1, 1996 [~~1994~~], on a form prescribed by
16 the board. An applicant for a permit must timely pay all
17 application fees required by the board. An owner of a well used
18 for irrigation must include additional documentation of the number
19 of acres irrigated during the historical period provided by
20 Subsection (a) of this section.

21 SECTION 5. Sections 1.17(a) and (d), Chapter 626, Acts of
22 the 73rd Legislature, Regular Session, 1993, are amended to read as
23 follows:

24 (a) A person who, on the effective date of this article,
25 owns a producing well that withdraws water from the aquifer may
26 continue to withdraw and beneficially use water without waste until
27 final action on permits by the authority, if:

1 (1) the well is in compliance with all statutes and
2 rules relating to well construction, approval, location, spacing,
3 and operation; and

4 (2) by March 1, 1996 [~~1994~~], the person files a
5 declaration of historical use on a form as required by the
6 authority.

7 (d) Interim authorization for a well under this section ends
8 on:

9 (1) entry of a final and appealable order by the
10 authority acting on the application for the well; or

11 (2) March 1, 1996 [~~1994~~], if the well owner has not
12 filed a declaration of historical use.

13 SECTION 6. Section 1.18(b), Chapter 626, Acts of the 73rd
14 Legislature, Regular Session, 1993, is amended to read as follows:

15 (b) The authority may not consider or take action on an
16 application relating to a proposed or existing well of which there
17 is no evidence of actual beneficial use before June 1, 1995 [~~1993~~],
18 until a final determination has been made on all initial regular
19 permit applications submitted on or before the initial application
20 date of March 1, 1996 [~~1994~~].

21 SECTION 7. Section 1.25(a), Chapter 626, Acts of the 73rd
22 Legislature, Regular Session, 1993, is amended to read as follows:

23 (a) Consistent with Section 1.14 of this article, the
24 authority shall develop, by September 1, 1997 [~~1995~~], and
25 implement a comprehensive water management plan that includes
26 conservation, future supply, and demand management plans. The
27 authority may not delegate the development of the plan under

Section 1.42 of this article.

SECTION 8. Section 1.26, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. The authority shall prepare and coordinate implementation of a plan for critical period management on or before September 1, 1997 [~~1995~~]. The mechanisms must:

(1) distinguish between discretionary use and nondiscretionary use;

(2) require reductions of all discretionary use to the maximum extent feasible;

(3) require utility pricing, to the maximum extent feasible, to limit discretionary use by the customers of water utilities; and

(4) require reduction of nondiscretionary use by permitted or contractual users, to the extent further reductions are necessary, in the reverse order of the following water use preferences:

(A) municipal, domestic, and livestock;

(B) industrial and crop irrigation;

(C) residential landscape irrigation;

(D) recreational and pleasure; and

(E) other uses that are authorized by law.

SECTION 9. Section 1.30(d), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(d) A permit issued in accordance with this section is subordinate to permitted water rights for which applications were

1 submitted before May 31, 1995 [+1993], and vested riparian rights.

2 SECTION 10. Section 1.31(b), Chapter 626, Acts of the 73rd
3 Legislature, Regular Session, 1993, is amended to read as follows:

4 (b) The authority is responsible for the costs of
5 purchasing, installing, and maintaining measuring devices, if
6 required, for an irrigation well in existence on September 1, 1995
7 [+1993].

8 SECTION 11. Section 1.41(d), Chapter 626, Acts of the 73rd
9 Legislature, Regular Session, 1993, is amended to read as follows:

10 (d) On September 1, 1995 [+1993], all unobligated and
11 unexpended funds of the Edwards Underground Water District shall be
12 transferred to the authority.

13 SECTION 12. Section 3.04, Chapter 626, Acts of the 73rd
14 Legislature, Regular Session, 1993, is amended to read as follows:

15 Sec. 3.04. COOPERATION. All state and local governmental
16 entities are hereby directed to cooperate with the authority to the
17 maximum extent practicable so that the authority can best be able
18 to accomplish the purposes set forth under Article 1. The
19 authority shall, on or before January 1, 1997 [+1995], submit a
20 report to the governor, lieutenant governor, and speaker of the
21 house of representatives evaluating the extent to which other
22 entities have cooperated with and assisted the authority.

23 SECTION 13. Notwithstanding the effective date provided by
24 Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular
25 Session, 1993, Section 1.35 of that Act takes effect March 1, 1996.

26 SECTION 14. The importance of this legislation and the
27 crowded condition of the calendars in both houses create an

H.B. No. 2890

1 emergency and an imperative public necessity that the
2 constitutional rule requiring bills to be read on three several
3 days in each house be suspended, and this rule is hereby suspended,
4 and that this Act take effect and be in force from and after its
5 passage, and it is so enacted.

ADOPTED

MAY 22 1995

COMMITTEE AMENDMENT NO. 1

Amend H.B. No. 2890 (House Engrossment) as follows:

- (1) Strike Section 2 of the bill (page 1, line 9 through page 2, line 12) and renumber subsequent Sections of the bill appropriately.
- (2) In Section 4 of the bill, in the first sentence of Section 1.16(b) (page 3, line 15), strike "1996" and substitute "1997".
- (3) In Section 5 of the bill, Section 1.17(a)(2) (page 4, line 4), strike "1996" and substitute "1997".
- (4) In Section 5 of the bill, Section 1.17(d)(2) (page 4, line 11), strike "1996" and substitute "1997".
- (5) In Section 6 of the bill, Section 1.18(b) (page 4, line 20), strike "1996" and substitute "1997".
- (6) In Section 7 of the bill, Section 1.25(a) (page 4, line 24), strike "1997" and substitute "1998".
- (7) In Section 10 of the bill, Section 1.31(b) (page 6, lines 6 and 7), strike "September 1, 1995 [~~1993~~]" and substitute "June 1, 1995 [~~September 1, 1993~~]".
- (8) In Section 12 of the bill, Section 3.04 (page 6, line 19), strike "1997" and substitute "1998".

FLOOR AMENDMENT NO. 1

BY: 

Amend H.B. No. 2890, as follows:

In Section 8 of the bill, Section 1.26, (page 3, line 1, strike "September 1, 1997"
and substitute "March 1, 1996".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

May 19, 1995

TO: Honorable Bill Sims, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: House Bill No. 2890,
as amended
By: Ron Lewis

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 2890 (relating to the management of the Edwards Aquifer) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, CT, DF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

May 17, 1995

TO: Honorable Bill Sims, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: House Bill No. 2890,
as engrossed
By: Lewis, Ron

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 2890 (Relating to the management of the Edwards Aquifer.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: LBB Staff: JK, CT, DF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
74th Regular Session

April 9, 1995

TO: Honorable David Counts, Chair
Committee on Natural Resources
House of Representatives
Austin, Texas

IN RE: House Bill No. 2890
By: Lewis, Ron

FROM: John Keel, Director

In response to your request for a Fiscal Note on House Bill No. 2890 (Relating to changing certain dates in law related to the management of the Edwards Aquifer.) this office has determined the following:

No fiscal implication to the State is anticipated.

The fiscal implication to units of local government cannot be determined.

Source: Natural Resource Conservation Commission
LBB Staff: JK, JB, DF

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/27/95

Date

Honorable Bob Bullock
President of the Senate

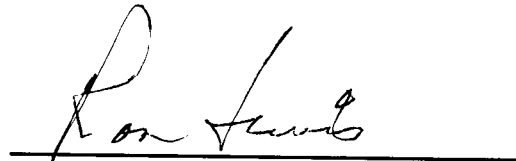
Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

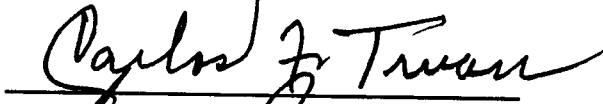
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B 2890 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Ken Armbrister, Chair



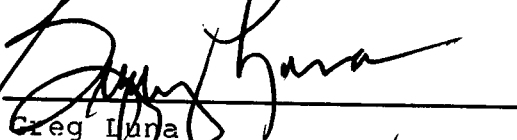
R. Lewis, Chair



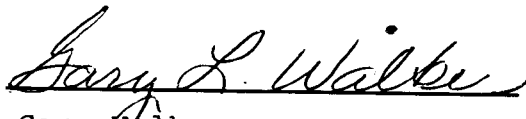
Carlos Truan



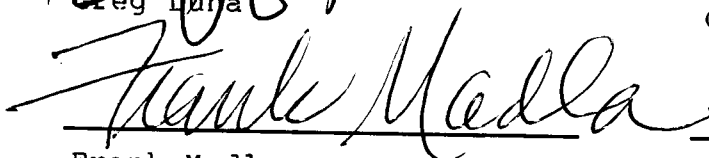
David Counts



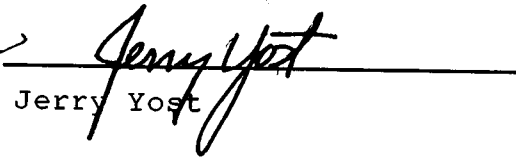
Greg Luna



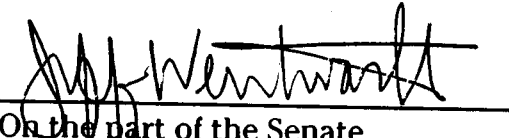
Gary Walker



Frank Madla



Jerry Yost



On the part of the Senate

Jeff Wentworth

On the part of the House

Bill Siebert

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H. B. 2890

A BILL TO BE ENTITLED

AN ACT

relating to the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(10) "Existing user" means a person who has withdrawn and beneficially used underground water from the aquifer on or before June 1, 1995 [~~1993~~].

SECTION 2. Subsection (f), Section 1.10, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(f) The advisory committee by resolution may request the board to reconsider any board action that the committee determines is [~~considered~~] prejudicial to downstream water interests. If the board review does not result in a resolution satisfactory to the advisory committee and the action affects downstream water rights or water quality, changes fees or pumping limits, or materially impedes the advisory committee in exercising its duties under this article, the advisory committee by resolution may request the commission to review the action. The commission shall hold a hearing to review the action before the 61st day after the date the

1 commission receives the request and make a written determination
2 of whether the action is prejudicial to downstream water interests
3 or materially impedes the advisory committee. In the determination,
4 the commission shall affirm the board's action or recommend that
5 the board modify or withdraw the action. If the commission
6 recommends that the board modify or withdraw an action and the
7 board fails to modify or withdraw the action as recommended, the
8 advisory committee may bring an action in district court to compel
9 the board to act in conformance with the commission's
10 recommendation [~~and may make a recommendation to the board. If the~~
11 ~~board determines that the board's action is contrary to an action~~
12 ~~of the commission affecting downstream interests, the board shall~~
13 ~~reverse itself~~].

14 SECTION 3. Sections 1.14(e) and (h), Chapter 626, Acts of the
15 73rd Legislature, Regular Session, 1993, are amended to read as
16 follows:

17 (e) The authority may not allow withdrawals from the aquifer
18 through wells drilled after June 1, 1995 [~~1993~~], except additional
19 water as provided by Subsection (d) and then on an interruptible
20 basis.

21 (h) To accomplish the purposes of this article, by June 1,
22 1996 [~~1994~~], the authority, through a program, shall implement and
23 enforce water management practices, procedures, and methods to
24 ensure that, not later than December 31, 2012, the continuous
25 minimum springflows of the Comal Springs and the San Marcos Springs
26 are maintained to protect endangered and threatened species to the
27 extent required by federal law. The authority from time to time
28 as appropriate may revise the practices, procedures, and methods.

1 To meet this requirement, the authority shall require:

2 (1) phased reductions in the amount of water that may
3 be used or withdrawn by existing users or categories of other
4 users; or

5 (2) implementation of alternative management practices,
6 procedures, and methods.

7 SECTION 4. Sections 1.16(a) and (b), Chapter 626, Acts of
8 the 73rd Legislature, Regular Session, 1993, are amended to read
9 as follows:

10 (a) An existing user may apply for an initial regular permit
11 by filing a declaration of historical use of underground water
12 withdrawn from the aquifer during the historical period from June
13 1, 1972, through May 31, 1995 [~~1993~~].

14 (b) An existing user's declaration of historical use must be
15 filed on or before March 1, 1996 [~~1994~~], on a form prescribed by
16 the board. An applicant for a permit must timely pay all
17 application fees required by the board. An owner of a well used
18 for irrigation must include additional documentation of the number
19 of acres irrigated during the historical period provided by
20 Subsection (a) of this section.

21 SECTION 5. Sections 1.17(a) and (d), Chapter 626, Acts of
22 the 73rd Legislature, Regular Session, 1993, are amended to read
23 as follows:

24 (a) A person who, on the effective date of this article, owns
25 a producing well that withdraws water from the aquifer may continue
26 to withdraw and beneficially use water without waste until final
27 action on permits by the authority, if:

28 (1) the well is in compliance with all statutes and

1 rules relating to well construction, approval, location, spacing,
2 and operation; and

3 (2) by March 1, 1996 [~~1994~~], the person files a
4 declaration of historical use on a form as required by the
5 authority.

6 (d) Interim authorization for a well under this section ends
7 on:

8 (1) entry of a final and appealable order by the
9 authority acting on the application for the well; or

10 (2) March 1, 1996 [~~1994~~], if the well owner has not
11 filed a declaration of historical use.

12 SECTION 6. Section 1.18(b), Chapter 626, Acts of the 73rd
13 Legislature, Regular Session, 1993, is amended to read as follows:

14 (b) The authority may not consider or take action on an
15 application relating to a proposed or existing well of which there
16 is no evidence of actual beneficial use before June 1, 1995 [~~1993~~],
17 until a final determination has been made on all initial regular
18 permit applications submitted on or before the initial application
19 date of March 1, 1996 [~~1994~~].

20 SECTION 7. Section 1.25(a), Chapter 626, Acts of the 73rd
21 Legislature, Regular Session, 1993, is amended to read as follows:

22 (a) Consistent with Section 1.14 of this article, the
23 authority shall develop, by September 1, 1997 [~~1995~~], and
24 implement a comprehensive water management plan that includes
25 conservation, future supply, and demand management plans. The
26 authority may not delegate the development of the plan under
27 Section 1.42 of this article.

28 SECTION 8. Section 1.26, Chapter 626, Acts of the 73rd

1 Legislature, Regular Session, 1993, is amended to read as follows:

2 Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. The authority
3 shall prepare and coordinate implementation of a plan for critical
4 period management on or before March 1, 1996 [~~September 1, 1995~~].

5 The mechanisms must:

6 (1) distinguish between discretionary use and
7 nondiscretionary use;

8 (2) require reductions of all discretionary use to the
9 maximum extent feasible;

10 (3) require utility pricing, to the maximum extent
11 feasible, to limit discretionary use by the customers of water
12 utilities;

13 (4) provide for exemptions for nondiscretionary use for
14 United States Department of Defense mission;

15 (5) [~~4~~] require reductions [~~reduction~~] of
16 nondiscretionary use other than exempt use by permitted or
17 contractual users, to the extent further reductions are necessary,
18 provided that the amount of such reductions that would have been
19 required to be made by United States Department of Defense missions
20 except for the exemption in subsection (4) of this section shall
21 be apportioned among and required to be made by the nonexempt
22 permitted or contractual users in Bexar County; and [~~in the reverse~~
23 ~~order of the following water use preferences;~~]

24 (6) require that the reductions under Subdivision (5)
25 shall be in the reverse order of the following water use
26 preferences;

27 (A) municipal, domestic, and livestock;

28 (B) industrial and crop irrigation;

- 1 (C) residential landscape irrigation;
- 2 (D) recreational and pleasure; and
- 3 (E) other uses that are authorized by law.

4 SECTION 9. Section 1.29(b), Chapter 626, Acts of the 73rd
5 Legislature, Regular Session, 1993, is amended to read as follows:

6 (b) The authority shall assess equitable aquifer management
7 fees based on aquifer use under the water management plan to
8 finance its administrative expenses and programs authorized under
9 this article. Each water district governed by Chapter 52, Water
10 Code, or other underground water district that is within the
11 authority's boundaries may contract with the authority to pay
12 expenses of the authority through taxes in lieu of user fees to be
13 paid by water users in the district. The contract must provide
14 that the district will pay an amount equal to the amount that the
15 water users in the district would have paid through user fees. The
16 authority may not collect a total amount of fees and taxes that is
17 more than is reasonably necessary for the administration of the
18 authority.

19 SECTION 10. Section 1.30(d), Chapter 626, Acts of the 73rd
20 Legislature, Regular Session, 1993, is amended to read as follows:

21 (d) A permit issued in accordance with this section is
22 subordinate to permitted water rights for which applications were
23 submitted before May 31, 1995 [~~1993~~], and vested riparian rights.

24 SECTION 11. Section 1.31(b), Chapter 626, Acts of the 73rd
25 Legislature, Regular Session, 1993, is amended to read as follows:

26 (b) The authority is responsible for the costs of purchasing,
27 installing, and maintaining measuring devices, if required, for an
28 irrigation well in existence on June 1, 1995 [~~September 1, 1993~~].

1 SECTION 12. (a) Section 1.41, Chapter 626, Acts of the 73rd
2 Legislature, 1993, is repealed.

3 (b) Chapter 99, Acts of the 56th Legislature, Regular
4 Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes),
5 is not repealed by operation of Section 1.41, Chapter 626, Acts of
6 the 73rd Legislature, Regular Session, 1993, and remains in effect
7 as if that section had not been enacted.

8 SECTION 13. Chapter 626, Acts of the 73rd Legislature,
9 Regular Session, 1993, is amended by adding Section 1.1411 to read
10 as follows:

11 Sec. 1.411. INITIAL FUNDING OF AUTHORITY. In order to fund
12 the initial operations of the authority, the board of directors of
13 the Edwards Underground Water District shall transfer to the
14 authority \$2.5 million from the district's funds before the 31st
15 day after the date the temporary board of directors of the
16 authority is authorized to act for the authority.

17 SECTION 14. Chapter 626, Acts of the 73rd Legislature,
18 Regular Session, 1993, is amended by adding Section 1.425 to read
19 as follows:

20 Sec. 1.425. AUTHORITY OVERSIGHT OF AND COLLABORATION WITH
21 EDWARDS UNDERGROUND WATER DISTRICT. (a) The relationship between
22 the temporary board of directors created under Section 1.092 of
23 this Article, the authority and the Edwards Underground Water
24 District is governed as provided by this section.

25 (b) The Edwards Underground Water District shall obtain the
26 approval of the board of the authority before the district:

27 (1) participates in litigation challenging this Act, the
28 authority, or an action of the authority;

1 (2) incurs new debt;

2 (3) disposes of or acquires real estate;

3 (4) makes an expenditure or incurs an obligation greater
4 than \$50,000, with the exception of employment contracts and
5 existing obligations; or

6 (5) enters into a contract the term of which extends
7 beyond the date the district is scheduled to expire under Section
8 2A, Chapter 99, Acts of the 56th Legislature, Regular Session, 1959
9 (Article 8280-219), Vernon Texas Civil Statutes).

10 (c) This section does not prohibit the Edwards Underground
11 Water District from continuing to conduct district operations at
12 the level the operations are conducted on the effective date of
13 this section or from expanding the district's operations as is
14 reasonably necessary and consistent with good business practices.

15 (d) The Edwards Underground Water District, at no expense to
16 the authority or to the South Central Texas Water Advisory
17 Committee, shall cooperate with and assist the authority and
18 advisory committee in carrying out both of the entities'
19 responsibilities under this article until each entity has the staff
20 necessary to operate independently. To the extent it does not
21 conflict with the normal operations of the district, the district
22 shall provide the authority and advisory committee, at no expense
23 to the authority or advisory committee, office space, meeting
24 space, and equipment until each entity acquires office space,
25 meeting space and equipment.

26 SECTION 15. Section 3.04, Chapter 626, Acts of the 73rd
27 Legislature, Regular Session, 1993, is amended to read as follows:

28 Sec. 3.04. COOPERATION. All state and local governmental

1 entities are hereby directed to cooperate with the authority to the
2 maximum extent practicable so that the authority can best be able
3 to accomplish the purposes set forth under Article 1. The
4 authority shall, on or before January 1, 1997 [~~1995~~], submit a
5 report to the governor, lieutenant governor, and speaker of the
6 house of representatives evaluating the extent to which other
7 entities have cooperated with and assisted the authority.

8 SECTION 16. Notwithstanding the effective date provided by
9 Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular
10 Session, 1993, Section 1.35 of that Act takes effect March 1, 1996.

11 SECTION 17. Chapter 99, Acts of the 56th Legislature, Regular
12 Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes),
13 is amended by adding Section 2A to read as follows:

14 Sec. 2A. SUNSET REVIEW. (a) The District is subject to
15 review under Chapter 325, Government Code (Texas Sunset Act).
16 Unless continued in existence as provided by that chapter, the
17 District is abolished and this Act expires on September 1, 1997.

18 (b) Notwithstanding Subsection (a) of this section, if
19 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
20 takes effect during the period for Sunset Advisory Commission
21 review of the District as prescribed by Subsection (a) of this
22 section:

23 (1) the period for review is the first period for review
24 under Chapter 325, Government Code (Texas Sunset Act), that follows
25 the date on which Chapter 626, Acts of the 73rd Legislature,
26 Regular Session, 1993, takes effect; and

27 (2) unless continued in effect as provided by Chapter
28 325, Government Code (Texas Sunset Act), the District is abolished

1 and this Act expires on September 1 of the odd-numbered year of the
2 review cycle.

3 SECTION 18. The importance of this legislation and the
4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended,
8 and that this Act take effect and be in force from and after its
9 passage, and it is so enacted.

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<p style="text-align: center;"><i>House Version</i> <i>H. B. 2890 Engrossed</i></p>	<p style="text-align: center;"><i>Senate Version</i> <i>H.B. 2890</i></p>	<p style="text-align: center;"><i>Conference Committee Report</i></p>
<p>SECTION 1. Amends S. B. 1477, Sec. 1.03 (10), by changing dates in the definition of "existing user" as a person who has beneficially used aquifer water on or before June 1, 1993, to June 1, 1995 .</p>	<p>SECTION 1. Same as House version.</p>	<p>SECTION 1. Same as House version</p>
<p>No similar provision.</p>	<p>No similar provision.</p>	<p>SECTION 2. Amends S. B. 1477, Sec. 1.10 (f), to clarify the rights of the advisory committee by prescribing which actions the committee can request TNRCC to review and outlining the procedures and deadlines to be followed by TNRCC in determining whether to affirm the authority's holding or recommend that the board modify/withdraw the action. Provides that if the authority fails to act upon TNRCC's recommendation, the committee may bring an action in district court to compel authority to act upon TNRCC's recommendation.</p>
<p>SECTION 2. Amends S. B. 1477, Sec. 1.12, providing that the Edwards Aquifer Oversight Committee shall review S. B. 1477 if the federal Endangered Species Act is amended and make recommendations to the Legislature.</p>	<p>No similar provision.</p>	<p>Same as Senate version.</p>

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<p style="text-align: center;"><i>House Version</i> <i>H. B. 2890 Engrossed</i></p>	<p style="text-align: center;"><i>Senate Version</i> <i>H.B. 2890</i></p>	<p style="text-align: center;"><i>Conference Committee Report</i></p>
<p>SECTION 3. Amends S. B. 1477, Sec. 1.14 (e), to change the date after which the Authority may not allow withdrawals from the aquifer from wells drilled after June 1, 1993, to June 1, 1995.</p> <p>Amends Sec. 1.14 (h), changing the date by which a program must be established to accomplish the purposes of ensuring continuous minimum springflows of the Comal Springs and the San Marcos Springs from June 1, 1994, to June 1, 1996.</p>	<p>SECTION 2. Same as House version.</p> <p>Same as House version.</p>	<p>SECTION 3. Same as House version.</p> <p>Same as House version.</p>
<p>SECTION 4. Amends S. B. 1477, Sec. 1.16 (a), by changing the closing date for the historical period for which a declaration of historical use may be made from May 31, 1993, to May 31, 1995.</p> <p>Amends Sec. 1.16 (b) to provide that an existing user's declaration of historical use must be filed on or before March 1, 1996, instead of March 1, 1994.</p>	<p>SECTION 3. Same as House version.</p> <p>The declaration must be filed on or before March 1, 1997.</p>	<p>SECTION 4. Same as House version.</p> <p>Same as House version.</p>
<p>SECTION 5. Amends S. B. 1477, Sec. 1.17 (a) (2), changing the date by which a person who owns a producing well must file a declaration of historical use on a form as required by the authority from March 1, 1994, to March 1, 1996.</p>	<p>SECTION 4. The declaration must be filed on or before March 1, 1997.</p>	<p>SECTION 5. Same as House version.</p>

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<i>House Version</i> <i>H. B. 2890 Engrossed</i>	<i>Senate Version</i> <i>H.B. 2890</i>	<i>Conference Committee Report</i>
Amends Sec. 1.17 (d) (2), changing the ending date for interim authorization for a well owner who has not filed a declaration of historical use from March 1, 1994, to March 1, 1996.	Interim authorization ends March 1, 1997.	Same as House version.
SECTION 6. Amends S. B. 1477, Sec. 1.18 (b), which states that no action may be consider or taken on a proposed or existing well of which there is no evidence of beneficial use before June 1, 1993, until regular permit application filed before March 1, 1994, have been considered, by moving the beneficial use evidence deadline to June 1, 1995, and the filing deadline to March 1, 1996.	SECTION 5. Same as House version, except provides that the initial filing deadline is March 1, 1997.	SECTION 6. Same as House version.
SECTION 7. Amends S. B. 1477, Sec. 1.25 (a), changing the date by which the authority shall develop and implement a comprehensive water management plan from September 1, 1995, to September 1, 1997.	SECTION 6. The plan must be developed and implemented by September 1, 1998.	SECTION 7. Same as House version.
SECTION 8. Amends S. B. 1477, Sec. 1.26, changing the date by which the authority shall prepare and coordinate implementation of a plan for critical period management from September 1, 1995, to September 1, 1997.	SECTION 7. The plan must be developed and implemented by March 1, 1996. Also, the plans must provide for exemptions for nondiscretionary use by Department of Defense missions, and reductions based on defense mission uses will be allocated to Bexar County.	SECTION 8. Same as Senate version.

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<i>House Version</i> <i>H. B. 2890 Engrossed</i>	<i>Senate Version</i> <i>H.B. 2890</i>	<i>Conference Committee Report</i>
No similar provision.	No similar provision.	SECTION 9. Amends S. B. 1477, Sec. 1.29(b), making a conforming change to include underground water districts.
SECTION 9. Amends S. B. 1477, Sec. 1.30 (d), which provides that certain permits are subordinate to water rights applications filed before May 31, 1993, by changing that date to May 31, 1995.	SECTION 8. Same as House version.	SECTION 10. Same as House version.
SECTION 10. Amends S. B. 1477, Sec. 1.31 (b), which provides that the authority is responsible for the costs of measuring devices for an irrigation well in existence on September 1, 1993, by changing that date to September 1, 1995.	SECTION 9. The authority is responsible for measuring device costs for wells drilled before June 1, 1995.	SECTION 11. Same as Senate version.
SECTION 11. Amends S. B. 1477, Sec. 1.41(d), changing the date by which all funds of the Edwards Underground Water District shall be transferred to the authority from September 1, 1993, to September 1, 1995.	SECTION 10. Same as House version.	SECTION 12. Amends S. B. 1477 by repealing Sec. 1.41, which repeals Article 8280-219, the Edwards Underground Water District enabling legislation, and abolishes the district.
No similar provision.	No similar provision.	SECTION 13. Amends S. B. 1477 by creating a new Sec. 1.411 which provides for the transfer of \$2.5 million from the Edwards Underground Water District to the Edwards Aquifer Authority within 31 days of the effective date of this Act.

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<p style="text-align: center;"><i>House Version</i> <i>H. B. 2890 Engrossed</i></p>	<p style="text-align: center;"><i>Senate Version</i> <i>H.B. 2890</i></p>	<p style="text-align: center;"><i>Conference Committee Report</i></p>
No similar provision.	No similar provision.	SECTION 14. Amends S. B. 1477 by creating a new Sec. 1.425 which provides for the relationship between the temporary board of the authority, the authority and the Edwards Underground Water District. While the EUWD may continue and increase existing operations, it must seek approval from the authority for certain activities and must provide office and meeting space and equipment to the authority and the South Central Texas Water Advisory Committee.
SECTION 12. Amends S. B. 1477, Sec. 3.04, changing the date on which the authority shall submit a report evaluating the extent to which other entities have cooperated from on or before January 1, 1995, to on or before January 1, 1997.	SECTION 11. The report must be submitted on or before January 1, 1998.	SECTION 15. Same as House version.
SECTION 13. Amends S. B. 1477, Sec. 4.02, changing the effective date of Article 1.35 of S. B. 1477 to March 1, 1996.	SECTION 12. Same as House version.	SECTION 16. Same as House version.
No similar provision.	No similar provision.	SECTION 17. Provides for Sunset review of the Edwards Underground Water District and its enabling legislation, to occur in 1997 unless S. B. 1477 is prevented from taking effect.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/27/95

Date

HOUSE OF REPRESENTATIVES

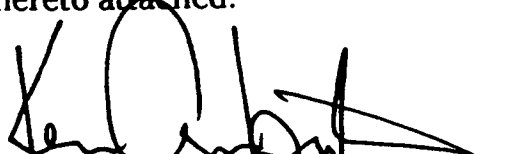
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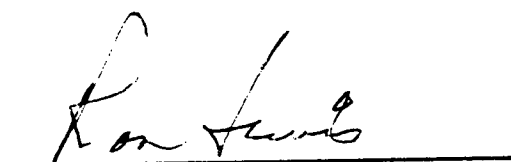
Honorable Bob Bullock
President of the Senate

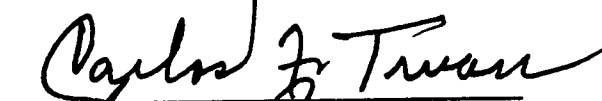
Honorable James E. "Pete" Laney
Speaker of the House of Representatives

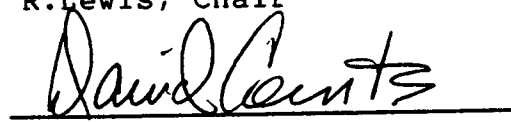
Sirs:

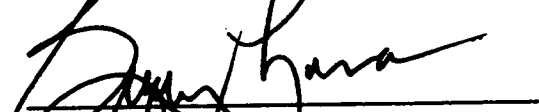
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.B 2890 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

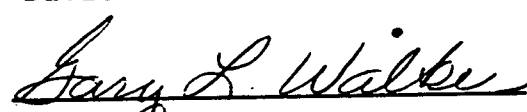

Ken Armbrister, Chair

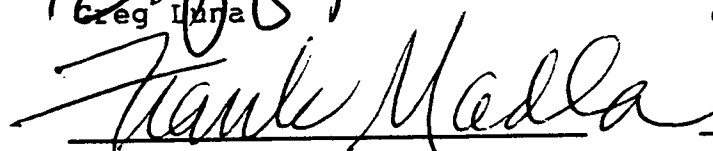

R. Lewis, Chair

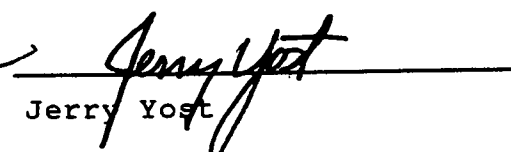

Carlos Truan

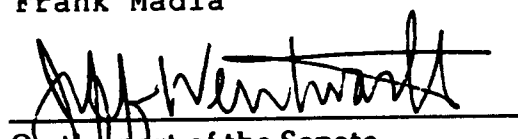

David Counts


Greg Luna


Gary Walker


Frank Madla


Jerry Yost


On the part of the Senate
Jeff Wentworth

On the part of the House
Bill Siebert

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H. B. 2890

A BILL TO BE ENTITLED

AN ACT

relating to the management of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.03(10), Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(10) "Existing user" means a person who has withdrawn and beneficially used underground water from the aquifer on or before June 1, 1995 [~~1993~~].

SECTION 2. Subsection (f), Section 1.10, Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

(f) The advisory committee by resolution may request the board to reconsider any board action that the committee determines is [~~considered~~] prejudicial to downstream water interests. If the board review does not result in a resolution satisfactory to the advisory committee and the action affects downstream water rights or water quality, changes fees or pumping limits, or materially impedes the advisory committee in exercising its duties under this article, the advisory committee by resolution may request the commission to review the action. The commission shall hold a hearing to review the action before the 61st day after the date the

1 commission receives the request and make a written determination
2 of whether the action is prejudicial to downstream water interests
3 or materially impedes the advisory committee. In the determination,
4 the commission shall affirm the board's action or recommend that
5 the board modify or withdraw the action. If the commission
6 recommends that the board modify or withdraw an action and the
7 board fails to modify or withdraw the action as recommended, the
8 advisory committee may bring an action in district court to compel
9 the board to act in conformance with the commission's
10 recommendation [~~and may make a recommendation to the board. If the~~
11 ~~board determines that the board's action is contrary to an action~~
12 ~~of the commission affecting downstream interests, the board shall~~
13 ~~reverse itself~~].

14 SECTION 3. Sections 1.14(e) and (h), Chapter 626, Acts of the
15 73rd Legislature, Regular Session, 1993, are amended to read as
16 follows:

17 (e) The authority may not allow withdrawals from the aquifer
18 through wells drilled after June 1, 1995 [~~1993~~], except additional
19 water as provided by Subsection (d) and then on an interruptible
20 basis.

21 (h) To accomplish the purposes of this article, by June 1,
22 1996 [~~1994~~], the authority, through a program, shall implement and
23 enforce water management practices, procedures, and methods to
24 ensure that, not later than December 31, 2012, the continuous
25 minimum springflows of the Comal Springs and the San Marcos Springs
26 are maintained to protect endangered and threatened species to the
27 extent required by federal law. The authority from time to time
28 as appropriate may revise the practices, procedures, and methods.

1 To meet this requirement, the authority shall require:

2 (1) phased reductions in the amount of water that may
3 be used or withdrawn by existing users or categories of other
4 users; or

5 (2) implementation of alternative management practices,
6 procedures, and methods.

7 SECTION 4. Sections 1.16(a) and (b), Chapter 626, Acts of
8 the 73rd Legislature, Regular Session, 1993, are amended to read
9 as follows:

10 (a) An existing user may apply for an initial regular permit
11 by filing a declaration of historical use of underground water
12 withdrawn from the aquifer during the historical period from June
13 1, 1972, through May 31, 1995 [~~1993~~].

14 (b) An existing user's declaration of historical use must be
15 filed on or before March 1, 1996 [~~1994~~], on a form prescribed by
16 the board. An applicant for a permit must timely pay all
17 application fees required by the board. An owner of a well used
18 for irrigation must include additional documentation of the number
19 of acres irrigated during the historical period provided by
20 Subsection (a) of this section.

21 SECTION 5. Sections 1.17(a) and (d), Chapter 626, Acts of
22 the 73rd Legislature, Regular Session, 1993, are amended to read
23 as follows:

24 (a) A person who, on the effective date of this article, owns
25 a producing well that withdraws water from the aquifer may continue
26 to withdraw and beneficially use water without waste until final
27 action on permits by the authority, if:

28 (1) the well is in compliance with all statutes and

1 rules relating to well construction, approval, location, spacing,
2 and operation; and

3 (2) by March 1, 1996 [~~1994~~], the person files a
4 declaration of historical use on a form as required by the
5 authority.

6 (d) Interim authorization for a well under this section ends
7 on:

8 (1) entry of a final and appealable order by the
9 authority acting on the application for the well; or

10 (2) March 1, 1996 [~~1994~~], if the well owner has not
11 filed a declaration of historical use.

12 SECTION 6. Section 1.18(b), Chapter 626, Acts of the 73rd
13 Legislature, Regular Session, 1993, is amended to read as follows:

14 (b) The authority may not consider or take action on an
15 application relating to a proposed or existing well of which there
16 is no evidence of actual beneficial use before June 1, 1995 [~~1993~~],
17 until a final determination has been made on all initial regular
18 permit applications submitted on or before the initial application
19 date of March 1, 1996 [~~1994~~].

20 SECTION 7. Section 1.25(a), Chapter 626, Acts of the 73rd
21 Legislature, Regular Session, 1993, is amended to read as follows:

22 (a) Consistent with Section 1.14 of this article, the
23 authority shall develop, by September 1, 1997 [~~1995~~], and
24 implement a comprehensive water management plan that includes
25 conservation, future supply, and demand management plans. The
26 authority may not delegate the development of the plan under
27 Section 1.42 of this article.

28 SECTION 8. Section 1.26, Chapter 626, Acts of the 73rd

1 Legislature, Regular Session, 1993, is amended to read as follows:

2 Sec. 1.26. CRITICAL PERIOD MANAGEMENT PLAN. The authority
3 shall prepare and coordinate implementation of a plan for critical
4 period management on or before March 1, 1996 [~~September 1, 1995~~].

5 The mechanisms must:

6 (1) distinguish between discretionary use and
7 nondiscretionary use;

8 (2) require reductions of all discretionary use to the
9 maximum extent feasible;

10 (3) require utility pricing, to the maximum extent
11 feasible, to limit discretionary use by the customers of water
12 utilities;

13 (4) provide for exemptions for nondiscretionary use for
14 United States Department of Defense mission;

15 (5) [~~(4)~~] require reductions [~~reduction~~] of
16 nondiscretionary use other than exempt use by permitted or
17 contractual users, to the extent further reductions are necessary,
18 provided that the amount of such reductions that would have been
19 required to be made by United States Department of Defense missions
20 except for the exemption in subsection (4) of this section shall
21 be apportioned among and required to be made by the nonexempt
22 permitted or contractual users in Bexar County; and [~~in the reverse~~
23 ~~order of the following water use preferences;~~]

24 (6) require that the reductions under Subdivision (5)
25 shall be in the reverse order of the following water use
26 preferences;

27 (A) municipal, domestic, and livestock;

28 (B) industrial and crop irrigation;

- 1 (C) residential landscape irrigation;
2 (D) recreational and pleasure; and
3 (E) other uses that are authorized by law.

4 SECTION 9. Section 1.29(b), Chapter 626, Acts of the 73rd
5 Legislature, Regular Session, 1993, is amended to read as follows:

6 (b) The authority shall assess equitable aquifer management
7 fees based on aquifer use under the water management plan to
8 finance its administrative expenses and programs authorized under
9 this article. Each water district governed by Chapter 52, Water
10 Code, or other underground water district that is within the
11 authority's boundaries may contract with the authority to pay
12 expenses of the authority through taxes in lieu of user fees to be
13 paid by water users in the district. The contract must provide
14 that the district will pay an amount equal to the amount that the
15 water users in the district would have paid through user fees. The
16 authority may not collect a total amount of fees and taxes that is
17 more than is reasonably necessary for the administration of the
18 authority.

19 SECTION 10. Section 1.30(d), Chapter 626, Acts of the 73rd
20 Legislature, Regular Session, 1993, is amended to read as follows:

21 (d) A permit issued in accordance with this section is
22 subordinate to permitted water rights for which applications were
23 submitted before May 31, 1995 [~~1993~~], and vested riparian rights.

24 SECTION 11. Section 1.31(b), Chapter 626, Acts of the 73rd
25 Legislature, Regular Session, 1993, is amended to read as follows:

26 (b) The authority is responsible for the costs of purchasing,
27 installing, and maintaining measuring devices, if required, for an
28 irrigation well in existence on June 1, 1995 [~~September 1, 1993~~].

1 SECTION 12. (a) Section 1.41, Chapter 626, Acts of the 73rd
2 Legislature, 1993, is repealed.

3 (b) Chapter 99, Acts of the 56th Legislature, Regular
4 Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes),
5 is not repealed by operation of Section 1.41, Chapter 626, Acts of
6 the 73rd Legislature, Regular Session, 1993, and remains in effect
7 as if that section had not been enacted.

8 SECTION 13. Chapter 626, Acts of the 73rd Legislature,
9 Regular Session, 1993, is amended by adding Section 1.1411 to read
10 as follows:

11 Sec. 1.411. INITIAL FUNDING OF AUTHORITY. In order to fund
12 the initial operations of the authority, the board of directors of
13 the Edwards Underground Water District shall transfer to the
14 authority \$2.5 million from the district's funds before the 31st
15 day after the date the temporary board of directors of the
16 authority is authorized to act for the authority.

17 SECTION 14. Chapter 626, Acts of the 73rd Legislature,
18 Regular Session, 1993, is amended by adding Section 1.425 to read
19 as follows:

20 Sec. 1.425. AUTHORITY OVERSIGHT OF AND COLLABORATION WITH
21 EDWARDS UNDERGROUND WATER DISTRICT. (a) The relationship between
22 the temporary board of directors created under Section 1.092 of
23 this Article, the authority and the Edwards Underground Water
24 District is governed as provided by this section.

25 (b) The Edwards Underground Water District shall obtain the
26 approval of the board of the authority before the district:

27 (1) participates in litigation challenging this Act, the
28 authority, or an action of the authority;

- 1 (2) incurs new debt;
2 (3) disposes of or acquires real estate;
3 (4) makes an expenditure or incurs an obligation greater
4 than \$50,000, with the exception of employment contracts and
5 existing obligations; or
6 (5) enters into a contract the term of which extends
7 beyond the date the district is scheduled to expire under Section
8 2A, Chapter 99, Acts of the 56th Legislature, Regular Session, 1959
9 (Article 8280-219), Vernon Texas Civil Statutes).

10 (c) This section does not prohibit the Edwards Underground
11 Water District from continuing to conduct district operations at
12 the level the operations are conducted on the effective date of
13 this section or from expanding the district's operations as is
14 reasonably necessary and consistent with good business practices.

15 (d) The Edwards Underground Water District, at no expense to
16 the authority or to the South Central Texas Water Advisory
17 Committee, shall cooperate with and assist the authority and
18 advisory committee in carrying out both of the entities'
19 responsibilities under this article until each entity has the staff
20 necessary to operate independently. To the extent it does not
21 conflict with the normal operations of the district, the district
22 shall provide the authority and advisory committee, at no expense
23 to the authority or advisory committee, office space, meeting
24 space, and equipment until each entity acquires office space,
25 meeting space and equipment.

26 SECTION 15. Section 3.04, Chapter 626, Acts of the 73rd
27 Legislature, Regular Session, 1993, is amended to read as follows:

28 Sec. 3.04. COOPERATION. All state and local governmental

1 entities are hereby directed to cooperate with the authority to the
2 maximum extent practicable so that the authority can best be able
3 to accomplish the purposes set forth under Article 1. The
4 authority shall, on or before January 1, 1997 [~~1995~~], submit a
5 report to the governor, lieutenant governor, and speaker of the
6 house of representatives evaluating the extent to which other
7 entities have cooperated with and assisted the authority.

8 SECTION 16. Notwithstanding the effective date provided by
9 Section 4.02, Chapter 626, Acts of the 73rd Legislature, Regular
10 Session, 1993, Section 1.35 of that Act takes effect March 1, 1996.

11 SECTION 17. Chapter 99, Acts of the 56th Legislature, Regular
12 Session, 1959 (Article 8280-219, Vernon's Texas Civil Statutes),
13 is amended by adding Section 2A to read as follows:

14 Sec. 2A. SUNSET REVIEW. (a) The District is subject to
15 review under Chapter 325, Government Code (Texas Sunset Act).
16 Unless continued in existence as provided by that chapter, the
17 District is abolished and this Act expires on September 1, 1997.

18 (b) Notwithstanding Subsection (a) of this section, if
19 Chapter 626, Acts of the 73rd Legislature, Regular Session, 1993,
20 takes effect during the period for Sunset Advisory Commission
21 review of the District as prescribed by Subsection (a) of this
22 section:

23 (1) the period for review is the first period for review
24 under Chapter 325, Government Code (Texas Sunset Act), that follows
25 the date on which Chapter 626, Acts of the 73rd Legislature,
26 Regular Session, 1993, takes effect; and

27 (2) unless continued in effect as provided by Chapter
28 325, Government Code (Texas Sunset Act), the District is abolished

1 and this Act expires on September 1 of the odd-numbered year of the
2 review cycle.

3 SECTION 18. The importance of this legislation and the
4 crowded condition of the calendars in both houses create an
5 emergency and an imperative public necessity that the
6 constitutional rule requiring bills to be read on three several
7 days in each house be suspended, and this rule is hereby suspended,
8 and that this Act take effect and be in force from and after its
9 passage, and it is so enacted.

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

House Version H. B. 2890 Engrossed	Senate Version H.B. 2890	Conference Committee Report
<p>SECTION 1. Amends S. B. 1477, Sec. 1.03 (10), by changing dates in the definition of "existing user" as a person who has beneficially used aquifer water on or before June 1, 1993, to June 1, 1995 .</p>	<p>SECTION 1. Same as House version.</p>	<p>SECTION 1. Same as House version</p>
<p>No similar provision.</p>	<p>No similar provision.</p>	<p>SECTION 2. Amends S. B. 1477, Sec. 1.10 (f), to clarify the rights of the advisory committee by prescribing which actions the committee can request TNRCC to review and outlining the procedures and deadlines to be followed by TNRCC in determining whether to affirm the authority's holding or recommend that the board modify/withdraw the action. Provides that if the authority fails to act upon TNRCC's recommendation, the committee may bring an action in district court to compel authority to act upon TNRCC's recommendation.</p>
<p>SECTION 2. Amends S. B. 1477, Sec. 1.12, providing that the Edwards Aquifer Oversight Committee shall review S. B. 1477 if the federal Endangered Species Act is amended and make recommendations to the Legislature.</p>	<p>No similar provision.</p>	<p>Same as Senate version.</p>

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<p style="text-align: center;"><i>House Version</i> <i>H. B. 2890 Engrossed</i></p>	<p style="text-align: center;"><i>Senate Version</i> <i>H.B. 2890</i></p>	<p style="text-align: center;"><i>Conference Committee Report</i></p>
<p>SECTION 3. Amends S. B. 1477, Sec. 1.14 (e), to change the date after which the Authority may not allow withdrawals from the aquifer from wells drilled after June 1, 1993, to June 1, 1995.</p> <p>Amends Sec. 1.14 (h), changing the date by which a program must be established to accomplish the purposes of ensuring continuous minimum springflows of the Comal Springs and the San Marcos Springs from June 1, 1994, to June 1, 1996.</p>	<p>SECTION 2. Same as House version.</p> <p>Same as House version.</p>	<p>SECTION 3. Same as House version.</p> <p>Same as House version.</p>
<p>SECTION 4. Amends S. B. 1477, Sec. 1.16 (a), by changing the closing date for the historical period for which a declaration of historical use may be made from May 31, 1993, to May 31, 1995.</p> <p>Amends Sec. 1.16 (b) to provide that an existing user's declaration of historical use must be filed on or before March 1, 1996, instead of March 1, 1994.</p>	<p>SECTION 3. Same as House version.</p> <p>The declaration must be filed on or before March 1, 1997.</p>	<p>SECTION 4. Same as House version.</p> <p>Same as House version.</p>
<p>SECTION 5. Amends S. B. 1477, Sec. 1.17 (a) (2), changing the date by which a person who owns a producing well must file a declaration of historical use on a form as required by the authority from March 1, 1994, to March 1, 1996.</p>	<p>SECTION 4. The declaration must be filed on or before March 1, 1997.</p>	<p>SECTION 5. Same as House version.</p>

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<p style="text-align: center;"><i>House Version</i> <i>H. B. 2890 Engrossed</i></p>	<p style="text-align: center;"><i>Senate Version</i> <i>H.B. 2890</i></p>	<p style="text-align: center;"><i>Conference Committee Report</i></p>
<p>Amends Sec. 1.17 (d) (2), changing the ending date for interim authorization for a well owner who has not filed a declaration of historical use from March 1, 1994, to March 1, 1996.</p>	<p>Interim authorization ends March 1, 1997.</p>	<p>Same as House version.</p>
<p>SECTION 6. Amends S. B. 1477, Sec. 1.18 (b), which states that no action may be consider or taken on a proposed or existing well of which there is no evidence of beneficial use before June 1, 1993, until regular permit application filed before March 1, 1994, have been considered, by moving the beneficial use evidence deadline to June 1, 1995, and the filing deadline to March 1, 1996.</p>	<p>SECTION 5. Same as House version, except provides that the initial filing deadline is March 1, 1997.</p>	<p>SECTION 6. Same as House version.</p>
<p>SECTION 7. Amends S. B. 1477, Sec. 1.25 (a), changing the date by which the authority shall develop and implement a comprehensive water management plan from September 1, 1995, to September 1, 1997.</p>	<p>SECTION 6. The plan must be developed and implemented by September 1, 1998.</p>	<p>SECTION 7. Same as House version.</p>
<p>SECTION 8. Amends S. B. 1477, Sec. 1.26, changing the date by which the authority shall prepare and coordinate implementation of a plan for critical period management from September 1, 1995, to September 1, 1997.</p>	<p>SECTION 7. The plan must be developed and implemented by March 1, 1996. Also, the plans must provide for exemptions for nondiscretionary use by Department of Defense missions, and reductions based on defense mission uses will be allocated to Bexar County.</p>	<p>SECTION 8. Same as Senate version.</p>

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<i>House Version</i> <i>H. B. 2890 Engrossed</i>	<i>Senate Version</i> <i>H.B. 2890</i>	<i>Conference Committee Report</i>
No similar provision.	No similar provision.	SECTION 9. Amends S. B. 1477, Sec. 1.29(b), making a conforming change to include underground water districts.
SECTION 9. Amends S. B. 1477, Sec. 1.30 (d), which provides that certain permits are subordinate to water rights applications filed before May 31, 1993, by changing that date to May 31, 1995.	SECTION 8. Same as House version.	SECTION 10. Same as House version.
SECTION 10. Amends S. B. 1477, Sec. 1.31 (b), which provides that the authority is responsible for the costs of measuring devices for an irrigation well in existence on September 1, 1993, by changing that date to September 1, 1995.	SECTION 9. The authority is responsible for measuring device costs for wells drilled before June 1, 1995.	SECTION 11. Same as Senate version.
SECTION 11. Amends S. B. 1477, Sec. 1.41(d), changing the date by which all funds of the Edwards Underground Water District shall be transferred to the authority from September 1, 1993, to September 1, 1995.	SECTION 10. Same as House version.	SECTION 12. Amends S. B. 1477 by repealing Sec. 1.41, which repeals Article 8280-219, the Edwards Underground Water District enabling legislation, and abolishes the district.
No similar provision.	No similar provision.	SECTION 13. Amends S. B. 1477 by creating a new Sec. 1.411 which provides for the transfer of \$2.5 million from the Edwards Underground Water District to the Edwards Aquifer Authority within 31 days of the effective date of this Act.

HOUSE BILL No. 2890
Conference Committee Report
Side-by-Side Comparison

<p style="text-align: center;"><i>House Version</i> <i>H. B. 2890 Engrossed</i></p>	<p style="text-align: center;"><i>Senate Version</i> <i>H.B. 2890</i></p>	<p style="text-align: center;"><i>Conference Committee Report</i></p>
No similar provision.	No similar provision.	SECTION 14. Amends S. B. 1477 by creating a new Sec. 1.425 which provides for the relationship between the temporary board of the authority, the authority and the Edwards Underground Water District. While the EUWD may continue and increase existing operations, it must seek approval from the authority for certain activities and must provide office and meeting space and equipment to the authority and the South Central Texas Water Advisory Committee.
SECTION 12. Amends S. B. 1477, Sec. 3.04, changing the date on which the authority shall submit a report evaluating the extent to which other entities have cooperated from on or before January 1, 1995, to on or before January 1, 1997.	SECTION 11. The report must be submitted on or before January 1, 1998.	SECTION 15. Same as House version.
SECTION 13. Amends S. B. 1477, Sec. 4.02, changing the effective date of Article 1.35 of S. B. 1477 to March 1, 1996.	SECTION 12. Same as House version.	SECTION 16. Same as House version.
No similar provision.	No similar provision.	SECTION 17. Provides for Sunset review of the Edwards Underground Water District and its enabling legislation, to occur in 1997 unless S. B. 1477 is prevented from taking effect.

Bill No. 2890

By R. Lewis

**A BILL TO BE ENACTED
AN ACT**

Relating to changing certain dates in law related to the management of the Edwards Aquifer.

MAR 10 1995

Filed with the Chief Clerk

MAR 15 1995

Read first time and referred to Committee on NATURAL RESOURCES

4-10-95

Reported favorably (amended)
(as substituted)

APR 25 1995

Sent to Committee on (Calendars)
(Local & County Calendars)

MAY 9 1995

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

MAY 10 1995

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of 137 yeas, 0 nays, 2 present, not voting)

MAY 10 1995

Engrossed

MAY 11 1995

Sent to Senate

Cynthia Gerhardt

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

MAY 11 1995

Received from the House

NATURAL RESOURCES

MAY 12 1995

Read and referred to Committee on

MAY 19 1995

Reported favorably As Amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 22 1995

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

MAY 22 1995

Read second time, amended, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

MAY 22 1995

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 22 1995

Read third time, , and passed by (a viva voce vote)
(31 yeas, 0 nays)

5-22-95

Returned to the House

Betty Lewis

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 22 1995

Returned from the Senate (~~as substituted~~)
(with amendments)

MAY 25 1995

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

MAY 25 1995

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

MAY 26 1995

House conferees appointed: R. Lewis, Chair; Cornak
Walker, Upst, Siebert

Senate granted House request. Senate conferees appointed: Armbrister, Chair;
Evans, Luna, Madda, Westworth

Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)

MAY 28 1995

POINT OF ORDER SUSTAINED on Conference Committee report.

95 MAY 22 PM 6:57

HOUSE OF REPRESENTATIVES

95 APR 25 AM 8:46

HOUSE OF REPRESENTATIVES